

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases.

Judith E. Levy
United States District Judge

/

**STIPULATED ORDER REGARDING MOTION TO COMPEL
CRIMINAL INVESTIGATION MATERIALS [1116]**

Whereas Individual Plaintiffs and Class Plaintiffs jointly moved to compel the production of certain documents from the Solicitor General's office (ECF No. 1116);

And whereas the criminal side of the Michigan Department of Attorney General's conflict wall ("AG criminal") has engaged in good faith negotiations with Individual Plaintiffs, Class Plaintiffs, and counsel representing VNA Defendants, LAN Defendants, and McLaren Hospital (all of whom joined the Plaintiffs' motion, and collectively referred to herein as "the Parties") to resolve the issues raised in the motion;

Now therefore, the parties stipulate and agree as follows:

1. The Parties identify the following individuals as Priority 1 witnesses (those that have depositions scheduled within the next six weeks) for whom AG criminal shall identify and produce any and all

investigative subpoena transcripts (including any exhibits referenced therein as they were received from the Office of Special Counsel) that were disclosed to criminal defense counsel by the Office of Special Counsel, if any, as soon as possible, and no later than the dates specified below:

1. Dennis Muchmore (by June 5)
2. Jeffrey Wright (by June 5)
3. Gerald Ambrose (by June 5)
4. Miguel Del Toral (by June 5)
5. Wayne Workman (by June 10)
6. Michael Prysby (by June 10)
7. Richard Baird (by June 10)
8. Liane Shekter Smith (by June 10)
9. Stephen Busch (by June 10)
10. Richard Snyder (by June 17)
11. Warren Green (by June 17)
12. Bryce Feighner (by June 17)
13. Darnell Earley (by June 17)
14. Howard Croft (by June 17)
15. Dan Wyant (by June 17)
16. Harvey Hollins (by June 17)
17. Andy Dillon (by June 17)

2. The Parties identify the following individuals as Priority 2 (previously deposed or to be deposed) and for which any and all investigative subpoena transcripts, and any audio or video recorded witness statements, that were disclosed to criminal defense counsel by

the Office of Special Counsel, shall be produced on or before June 22, 2020:

1. Valerie Brader
2. Dennis Muchmore
3. Ed Kurtz
4. Darnell Earley
5. Harvey Hollins
6. Andy Dillon
7. Jim Sygo (*deceased*)
8. Howard Croft
9. Gerald Ambrose
10. Wayne Workman
11. Michael Prysby
12. Liane Shekter Smith
13. Richard Baird
14. Stephen Busch
15. Jeffrey Wright
16. Richard Snyder
17. Bryce Feighner
18. Pat Cook
19. Thomas Saxton
20. Dan Wyant
21. William Creal
22. Sue McCormick
23. Nichol Zacharda
24. Dick Posthumous
25. Jared Agen
26. Brian Calley
27. David Murray
28. Allison Scott
29. Eden Wells
30. Wendy Wisniewski
31. Nick Lyon

32. Richard Benzie
33. Corrine Miller
34. Adam Rosenthal
35. Nancy Peeler
36. Robert Scott
37. David Jansen
38. Rob Bincsik
39. Brent Wright
40. Michael Glasgow
41. Daugherty Johnson
42. Keith Creagh
43. Mark Pavwoski
44. Eric Cline
45. Sara Wurfel
46. Cristin Larder
47. Jennifer Crooks
48. Tom Poy
49. Susan Hedman
50. Michael Schock
51. Michael Wright
52. Mark Johnson
53. Tinka Hyde
54. Andrea Porter
55. Rita Bair

3. By June 22, 2020, AG criminal shall provide the Parties with a list that identifies any remaining investigatory subpoena transcripts for any witnesses interviewed as part of the criminal investigation conducted by the Office of Special Counsel, including in that list whether any of the transcripts were disclosed to any criminal defense counsel or to any third

party (or proper assurances that they were not previously disclosed). If agreement over production of these materials cannot be reached, the Parties reserve the right to seek court intervention, including the right to argument regarding waiver.

4. On or before June 22, 2020, the Parties shall meet and confer to determine a process for the delivery of any other materials provided to any criminally charged defendant by the Office of Special Counsel, including the process for de-duplication of any document productions.

5. All transcripts, documents, lists and other materials exchanged shall be designated as “Highly Confidential – Attorney’s Eyes Only” and subject to the Confidentiality Order in place in the *In Re Flint Water Cases* [DE 998-3]. The transcripts, documents, lists and other materials exchanged shall not be disclosed by anyone to any person or entity not covered by the Court’s confidentiality order for “Highly Confidential” materials.

6. The Parties shall reimburse the non-party AG criminal for all expenses reasonably incurred by complying with the efforts described in ¶ 4, *supra*. AG criminal will submit an accounting at a later date.

7. Unless and until the Parties notify the Court that these negotiations have broken down, the informal deadlines set in the Court's May 29, 2020 email are suspended and the motion to compel (ECF No. 1116) is held in abeyance.

IT IS SO ORDERED.

Dated: June 8, 2020
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

STIPULATED AND AGREED TO:

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